

COUNTY OF YORK

MEMORANDUM

DATE: September 16, 2002 (BOS Mtg. 10/1/02)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. YVA-16-02, Richard and Rosemary Stacpoole

ISSUE

This application seeks a change in use in Yorktown, pursuant to Section 24.1-327(b)(4) of the Zoning Ordinance, to authorize the conversion of an art gallery known as “On the Hill” to an antique store with living quarters in an existing building located at 121 Alexander Hamilton Boulevard and further identified as Assessor’s Parcel No. 18-3B.

DESCRIPTION

- ? Property Owner: Yorktown Arts Foundation (Applicant is contract purchaser.)
- ? Location: 121 Alexander Hamilton Boulevard
- ? Area: 0.51 acre
- ? Frontage: 177.6 feet on Alexander Hamilton Boulevard (Route 1012)
- ? Utilities: Public water and sewer
- ? Topography: Moderate to severe slopes are present on the property
- ? 2015 Land Use Map Designation: Yorktown
- ? Zoning Classification: YVA – Yorktown Village Activity
- ? Existing Development: “On the Hill” art gallery
- ? Surrounding Development:
 - North: York County Administration Building
 - East: Yorktown Trustees’ right-of-way; Nancy Thomas Gallery beyond (across Ballard Street)
 - South: York County Finance Building (across Alexander Hamilton Blvd.)
 - West: Support building for Nancy Thomas Gallery
- ? Proposed Development: Antique store with living quarters

CONSIDERATIONS/CONCLUSIONS

1. The subject building was constructed in the 1920s and was later donated to the Yorktown Arts Foundation and moved to its current location in the 1970s, where it houses the “On the Hill” art gallery. The Yorktown Arts Foundation plans to sell the building to the applicant and relocate the gallery to another site, as yet undetermined, in Yorktown. The applicants wish to renovate the interior of the building for the purpose of converting it into an antique store in which they would also reside. No exterior changes to the building, other than paint and any necessary repairs, are planned. The first floor would be decorated as a home but would be used to display and sell antique furniture, while the residential area would be on the second floor. Hours of operation would be from 10:00 AM to 5:00 PM on Mondays through Saturdays and from 1:00 PM to 5:00 PM on Sundays.
2. The subject parcel is zoned YVA (Yorktown Village Activity) and the Comprehensive Plan designates Yorktown as an historical village without reference to specific land uses. Section 24.1-327(b)(4) of the Zoning Ordinance stipulates that proposed changes in use of land, buildings, or structures within the Yorktown Village Activity District that are not similar in type, size, scope and intensity as the previous use, are subject to review and approval in accordance with the same procedures as special use permits.
3. Section 24.1-327(c) of the Zoning Ordinance specifies those uses that may be permitted within the YVA district subject to a determination – in this case by the Board following a recommendation from the Planning Commission – that the use in the location proposed is substantially in conformance with the Yorktown Master Plan. Specific uses that may be permitted are listed below:
 4. Dwellings, single-family detached, attached, or multi-family; also including structures designed to accommodate both residential and commercial uses;
 4. Churches and other places of worship;
 5. Professional offices and general business offices, banks, etc.;
 6. Retail trade and business uses consistent with the character of the district and the surrounding area including such uses as:
 - a. gift shops,
 - b. sit-down restaurants, and
 - c. specialty shops catering to the local and tourist market;
 7. Art galleries, museums, tourist centers, community centers, performing or cultural arts centers, and similar types of uses intended to promote cultural resources;
 8. Publicly owned uses such as offices, court houses, parking facilities, parks, etc.;

9. Hotels, motels, guest houses, bed and breakfast establishments;
10. Personal service uses consistent with the character of the district and the surrounding area including such uses as:
 - a. beauty and barber shops,
 - b. day care facilities, and
 - c. drug stores;
4. Recreationally oriented waterfront businesses and establishments providing covered or uncovered boat slips or dock space, minor repairs or servicing, marine fuel and lubricants, marine supplies, refreshments, and similar goods or services;
5. Commercial parking facilities; and
6. Uses and structures that are accessory and incidental to any of the uses listed above.

I believe that the proposed antique shop is consistent with the range of permitted uses, both as a “specialty shop catering to the local and tourist market” and as a structure designed to accommodate both residential and commercial uses.

4. The Yorktown Master Plan, which the Board adopted on March 4, 1993, provides little guidance regarding this parcel other than to recommend that the “existing County Court and Office Center area ... eventually be expanded into a campus setting of public buildings, using available land currently owned by the County, and additional land if necessary.”¹ The plan also stated that the “On-the-Hill establishment, both from a land use perspective and an architectural perspective, would be well-suited for a Main Street location, perhaps on one of the Park Service’s ‘adaptive use’ sites.”² Indeed the County did pursue the possibility of purchasing this property for future public use that would have involved the relocation of the art gallery to York Hall but was not able to reach a mutually acceptable arrangement with the property owner.
5. The Zoning Ordinance requires a “plan for accommodating the pedestrian, bicycle, automobile, and trolley traffic, parking and loading demands which the development can be expected to generate” to be submitted as part of any development proposal in the YVA district. Pedestrian and trolley access are both excellent; a sidewalk that runs along Ballard Street crosses the parcel’s front yard, connecting to walkways leading to the building’s entrance, and a trolley stop is located in front of the parcel at the corner of Ballard Street and Alexander Hamilton Boulevard. The proposed use is expected to generate little or no bicycle traffic. Automobile traffic also is not likely to be significant, based on the experience of the three antique stores currently operating in Yorktown. In general, visitors to Yorktown typically park in one of the

¹ Sasaki Associates, Inc., Yorktown Master Plan (1993), p. 98

² Ibid, p. 46.

County lots or at the National Park Service Visitor Center and then walk to the various shops, restaurants, and other attractions.

To accommodate parking, the applicants are requesting as part of this application that they be authorized to use the existing visitor parking lot between the subject building and the County's Administration Center. Section 24.1-327(g)(1)a of the Zoning Ordinance states that a parking plan submitted as part of any development proposal within the YVA zoning district "may include provisions for public or private off-site parking as well as on-site parking." The visitor parking lot, which is currently utilized both by patrons of the art gallery and by visitors to the Administration Center, contains thirteen spaces, ten of them designated for visitor parking only, two of them designated for the handicapped, and one of them a loading space. The Zoning Ordinance requires a minimum of one parking space per 200 feet of floor area for a retail store and one space per 500 square feet for a furniture store. Based on this information, the size of the proposed shop (approximately 1,200 square feet), and the experience of other antique shops in Yorktown, staff estimates that 3-4 parking spaces would be needed, plus two spaces for the residential use of the building.

In my opinion, the applicant's proposal to utilize the visitor parking lot is consistent with the general goal of encouraging the use of satellite parking lots in Yorktown. The lot would remain open to anyone who wants to park there, be they antique shop patrons, visitors to the Administration Building, or visitors to Yorktown generally. Many patrons of the proposed antique shop would likely park in this lot and travel to other Yorktown attractions by foot or (in season) by trolley. Likewise, many will park elsewhere in the village and walk or ride the trolley to the antique shop. In the event that the visitor parking lot is full, there is ample parking behind the Administration Building, even during the peak hours of the day. For the residential use, however, I feel that it would not be appropriate for the County to dedicate two parking spaces, which are currently available to the general public, for the permanent personal use of a single homeowner. Because of the configuration of the parcel, this would require a driveway to be installed on Alexander Hamilton Boulevard.

6. The property currently has a freestanding sign measuring approximately sixteen (16) square feet in area. The applicants proposed to remove it and replace it with a smaller "gallows-type" hanging sign identifying the shop. I recommend that the area of the new sign be limited to a maximum of six (6) square feet, which is consistent with the sign for Gin Tail Antiques on Ballard Street (approved in 2000) and other similar establishments in Yorktown. It is also consistent with the draft Yorktown Historic District and Design Guidelines currently under review by the Commission.
7. Other than the residential parking issue, my only concern with regard to the proposed use is the possibility that either the antique shop will fail or that the applicant's plans will change, resulting in the conversion of the building to a purely residential use. I feel that this location, at a major intersection and along a major gateway into historic Yorktown, is much more appropriate for nonresidential use than for a single-family detached home. According to a market study prepared by a private consultant in 1991 as part of the Yorktown master planning process, however, there appears to be additional market potential for another antique store in the village. The

market study identified antique sales as one type of specialty retail establishment where sales have lagged behind their potential, and it specifically recommended that additional antique stores be encouraged in Yorktown.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its September 11 meeting and, subsequent to conducting a public hearing at which one citizen (in addition to the applicant) spoke in support of the application, voted 7:0 to recommend approval.

COUNTY ADMINISTRATOR RECOMMENDATION

I am of the opinion that the proposed antique shop is consistent with the scale and character of development in Yorktown. There are not likely to be any adverse impacts on neighboring properties, and the existing visitor parking lot is large enough to accommodate the needs of both the antique shop and the County Administration Building, with plenty of overflow parking nearby. I believe that these parking spaces should remain available to the general public and that the applicants should be required to meet their residential parking requirement on-site; at the Planning Commission meeting the applicant indicated that he had no objection to this requirement. Therefore, based on the considerations and conclusions as noted, I recommend that the Board Commission forward this application to the of Supervisors with a recommendation to approve the requested change in use and the proposed use of the visitor parking lot for patrons but not for residential parking. This can be accomplished through the adoption of proposed Resolution R02-172.

Carter/3337

Attachments

- ? Excerpts of unapproved Planning Commission Minutes of September 11, 2002
- ? Zoning Map
- ? Vicinity Map
- ? Site Plan
- ? Project Narrative
- ? Proposed Resolution R02-172